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Megan Kiley
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Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Kirsten Ebbehøj et al.	Confirmation No.:	5360
Serial No.:	10/529,858	Art Unit:	1646
Filed:	April 26, 2006	Examiner:	Gyan Chandra
Customer No.:	21559		
Title:	STABILIZED EXENDIN-4 COMPOUNDS		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO RESTRICTION REQUIREMENT

In reply to the Restriction Requirement that was mailed in connection with the above-captioned case on December 11, 2007, applicant elects the invention of Group I, claims 67-91, 92-96, and 99-102. The election is made without traverse.

Applicants respectfully traverse the further restriction required by the Office. In requiring a further Restriction, the Office asserts that each claimed sequence would require a unique, separate search of the prior art and that doing so would present an undue burden on the Office. Applicants disagree. In particular, applicants draw the Office's attention

to claim 67, the sole independent claim. This claim recites a class of peptides containing an Asp, an isoaspartyl, or a cyclic imide at position 28 of the exendin-4 sequence.

Accordingly, all claimed peptides have common structural features, i.e., the exendin-4 sequence and the altered amino acid at position 28 of the exendin-4 sequence. In view of these common features, applicants submit that searching the claimed class of peptides would not require non-coextensive searches and, accordingly, would not present an undue burden on the Office. Applicants therefore respectfully request the Office reconsider the further restriction in this case.

To the extent that the Office disagrees with applicants' position, examination of peptides of having an Asp, an isoaspartyl, or a cyclic imide at position 28 of the exendin-4 sequence and a deletion of the proline at position 36 of the exendin-4 sequence (the "des Pro³⁶" peptides) is respectfully requested. As with the above peptides, the common structural features of this class of peptides would also not require non-coextensive searches, and would likewise not present an undue burden on the Office. This election is also made with traverse.

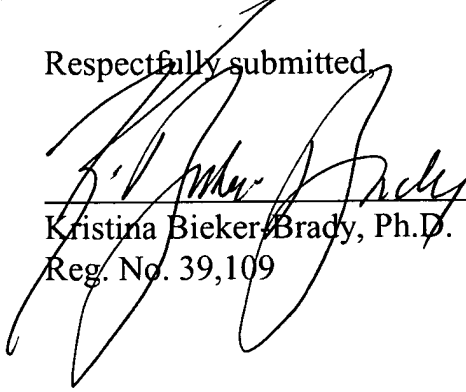
Should the Office require examination of only a single peptide in this case, applicants elect des Pro³⁶, Pro³⁷, Pro³⁸[Asp²⁸]Exendin-4(1-39)-(Lys)₆-NH₂, as recited in claim 77. This election is also made with traverse.

Enclosed is a Petition for extending the deadline for response for two months, to and including March 11, 2008, and a check in payment of the required fee. If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date:

February 13, 2008



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